

REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS  
OF SAN BERNARDINO COUNTY, CALIFORNIA  
AND RECORD OF ACTION

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April 22, 2003

FROM: MICHAEL E. HAYS, DIRECTOR  
LAND USE SERVICES DEPARTMENT/CURRENT PLANNING DIVISION

SUBJECT: APPEAL OF A PLANNING COMMISSION DECISION TO DENY A GENERAL  
PLAN AMENDMENT AND TENTATIVE TRACT MAP 16337; APPLICANT:  
RAUL MADRID; FILE/INDEX: W149-84/2002/GPA/TT 16337/01; APN: 0230-081-  
14\*; COMMUNITY: FONTANA

**RECOMMENDATION:**

1. **CONDUCT** a public hearing on TUESDAY, APRIL 22, 2003, at 10:00 AM to consider the appeal of a Planning Commission decision to deny a General Plan Amendment (GPA) from Multiple Residential 7,000 sq. ft. per unit (7M-RM) to Single Residential (RS) and Tentative Tract Map 16337 to create 24 lots on 5.39 acres; Applicant: Raul Madrid; File/Index: W149-84-2002/GPA/TT 16337/01; APN: 0230-081-14\*; Community: Fontana.
2. **DENY** the appeal and UPHOLD the Planning Commission action to DENY the request for a GPA from Multiple Residential 7,000 sq. ft. / land per unit (7M-RM) to Single Residential (RS) and Tentative Tract Map 16337 to create 24 lots on 5.39 acres.
3. **DENY** Major Variance (W149-84/02), to exceed the wall height maximum of six feet (6'-0").
4. **ADOPT** the Findings as recommended by the Planning Commission related to the GPA Tentative Tract.

**BACKGROUND INFORMATION:** The applicant filed a General Plan Amendment (GPA) to change the site's Official Land Use District (OLUD) from 7M-RM (Multiple-Family Residential – 7,000 SF of land/unit with a minimum 10,000 SF lot size) to RS (Single Residential) requiring a minimum lot size of 7,200 square feet. A concurrent land use application for a Tentative Tract (TT 16337 proposing a twenty-four (24) lot, single-family residential subdivision was also filed. The proposed lots exceed the minimum requirement for RS land uses of 7,200 sq. ft., located on a 5.39 acre parcel located approximately 350 feet south of Foothill Boulevard (State Highway/Route 66), 310 feet east of Live Oak Avenue, and 150 west of Hemlock Avenue.

Originally, the applicant proposed the Land Use District Amendment only on the site of the Tentative Tract (5.39 acres). However, ten acres is required for General Plan and Development Code conformance. So the applicant attempted to have other surrounding property owners join with him in the Amendment. The configuration that resulted created an odd shaped district completely surrounded by multiple-residential land use parcels. The proposed GPA designation of RS, therefore, would not provide a reasonable and logical extension of the existing land use patterns in the surrounding area as required for a GPA.

In addition, the project site is within the City of Fontana's sphere of influence, and the proposal is not consistent with the City's General Plan Land Use Policy Map which designates the site as

Record of Action of the Board of Supervisors

**CONTINUED TO TUE, 5/13/03 @ 10 A.M.**

**BOARD OF SUPERVISORS  
COUNTY OF SAN BERNARDINO**

MOTION	<u>MOVE</u>	<u>AYE</u>	<u>AYE</u>	<u>AYE</u>	<u>SECOND</u>
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**J. RENEE BASTIAN, CLERK OF THE BOARD**

BY \_\_\_\_\_

**DATED: April 22, 2003**

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ITEM 073

“Low Density “ Residential (R-L): “This category allows for a net density of one to three units per acre. The purpose of this designation is to encourage the development of lower density single-family detached homes. Like the Residential Estate category, the R-L designation will provide for a rural lifestyle with lot sizes large enough for equestrian and small agricultural uses....Minimum net lot sizes are 39,600 to 14,520 square feet.” There is also a conflict between the projects proposed street widths/standards and the City’s and the applicant’s wall design and that required by the City.

The proposed GPA would also conflict with the General Plan goals & policies (Goal D-43 and Policy LU-2a), to encourage or create a natural buffer of higher density development between existing commercial and single family residential uses. The existing multiple residential land use is appropriately located near Foothill Boulevard, the main highway corridor, allowing for easy access to services and maximum usage of mass-transit systems.

Government Code Section 65863 requires a finding be made when there is “downzoning” that “the remaining sites identified in the housing element are adequate to accommodate the jurisdiction’s share of the regional housing need pursuant to Section 65584.” The inventory of remaining sites is adequate to accommodate the County’s share of the regional housing need, as set forth in Government Code Section 65863, hence this specific finding could be made in the affirmative.

On March 6, 2003, the Planning Commission determined that the requested GPA was not consistent with General Plan policy, could not be supported, and therefore, unanimously denied the proposed GPA/Tentative Tract Map 16337. The applicant filed an appeal on the same day with the Clerk of the Board, requesting that the Board of Supervisors overturn the Planning Commission denial determination. The applicant based his appeal on his assertion that the City of Fontana and the neighbors would rather see homes instead of apartments.

**REVIEW BY OTHERS:** This item has been reviewed by Deputy County Counsel Robin Cochran on April 11, 2003, and by the County Administrative Office, Patricia M. Cole, Administrative Analyst III on April 13, 2003. This item was heard by the Planning Commission on March 6, 2003.

**FINANCIAL IMPACT:** There are no financial impacts associated with this item.

**SUPERVISORIAL DISTRICT(S):** 2<sup>nd</sup>

**PRESENTER:** Julie M. Rynerson, Division Chief – Current Planning Division, 387-4146